

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

ROBERT "BOB" BURNS – Chairman
BOYD DUNN
SANDRA D. KENNEDY
JUSTIN OLSON
LEA MÁRQUEZ PETERSON

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY FOR A
HEARING TO DETERMINE THE FAIR VALUE OF
THE UTILITY PROPERTY OF THE COMPANY
FOR RATEMAKING PURPOSES, TO FIX A JUST
AND REASONABLE RATE OF RETURN
THEREON, TO APPROVE RATE SCHEDULES
DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-19-0236

PROCEDURAL ORDER
(Reschedules Hearing)**BY THE COMMISSION:**

On October 1, 2019, Arizona Public Service Company ("APS") filed with the Arizona Corporation Commission ("Commission") a Notice of Intent to File a Rate Case Application and Request to Open Docket. As a result, this docket was opened.

On October 31, 2019, APS filed its Rate Application.

On November 29, 2019, the Commission's Utilities Division ("Staff") filed a Letter of Sufficiency, stating that APS's rate application had met the sufficiency requirements as outlined in Arizona Administrative Code ("A.A.C.") R14-2-103(B)(7) and that APS had been classified as a Class A Utility.

On December 19, 2019, a Rate Case Procedural Order was issued setting the hearing for this matter to begin on July 17, 2020, and establishing additional dates and procedural requirements.

On March 18, 2020, a Procedural Order was issued that, *inter alia*, rescheduled the hearing to commence on September 30, 2020, and extended the time clock for this matter by 79 calendar days.

On July 31, 2020, by Procedural Order, the hearing was rescheduled to commence on December 14, 2020; other procedural deadlines were extended; and the time clock for this matter was extended by 96 days.¹

¹ Additional procedural history is available in prior Procedural Orders and by reviewing filings made in the docket. The deadline for intervention was not extended.

The following parties are currently intervenors in this matter:

| Intervenor Name ("Shortened Name") | "Group Name" (if applicable) |
|---|-------------------------------------|
| Richard Gayer | |
| The Kroger Co. ("Kroger") | |
| Southwest Energy Efficiency Project ("SWEEP") | |
| Western Resource Advocates ("WRA") | |
| Freeport Minerals Corporation ("Freeport") | |
| Arizonans for Electric Choice and Competition ("AECC") | |
| Residential Utility Consumer Office ("RUCO") | |
| The Property Owners and Residents Association of Sun City West ("PORA") | |
| Arizona Competitive Power Alliance ("ACPA") | |
| Wildfire | |
| Solar Energy Industries Association ("SEIA") | |
| Arizona Solar Energy Industries Association ("AriSEIA") | |
| Arizona School Boards Association ("ASBA") | |
| Arizona Association of School Business Officials ("AASBO") | |
| Vote Solar | |
| International Brotherhood of Electrical Workers, AFL-CIO, Local 387 ("Local 387") | "IBEW Locals" |
| International Brotherhood of Electrical Workers, AFL-CIO, Local 769 ("Local 769") | |
| Aguila Irrigation District ("AID") | "Districts" |
| Buckeye Water Conservation and Drainage District ("BWCDD") | |
| Electrical District Number Six of Pinal County ("ED6") | |
| Electrical District Number Seven of Maricopa County ("ED7") | |
| Electrical District Number Eight of Maricopa County ("ED8") | |
| Harquahala Valley Power District ("HVPD") | |
| Maricopa County Municipal Water Conservation District Number One ("MWD") | |
| McMullen Valley Water Conservation & Drainage District ("MVWCDD") | |
| Tonopah Irrigation District ("TID") | |
| Sierra Club | |
| Shelly A. Kaner | |
| Patricia Madison | |
| Jonathan Jones | |
| Federal Executive Agencies ("FEA") | |
| John Thornton | |
| San Juan Citizens Alliance ("SJCA") | "Citizen Groups" |
| Tó Nizhoní Ání ("TNA") | |
| Diné CARE ("DC") | |

| | | |
|---|--|--|
| 1 | Walmart Inc. ("Walmart") | |
| 2 | Navajo Nation ("Nation") | |
| 3 | Tesla, Inc. ("Tesla") | |
| 4 | Calpine Energy Solutions, LLC ("Calpine") | |
| 5 | Constellation NewEnergy, Inc. ("Constellation") | |
| 6 | Direct Energy Business, LLC ("Direct Energy") | |
| 7 | ChargePoint, Inc. ("ChargePoint") | |
| 8 | Arizona Solar Deployment Alliance ("ASDA") | |
| | AARP | |
| | EVgo Services LLC ("EVgo") | |
| | Distributed Energy Resource Association ("DERA") | |
| | Manufactured Housing Communities of Arizona, Inc. ("MHCA") | |

On November 17, 2020, Staff filed a Motion to Amend Procedural Order ("Motion") requesting that the procedural scheduled for this matter be amended, as follows:

| | Current Date | Proposed Date |
|--|-------------------|-------------------|
| Staff and Intervenor Surrebuttal Testimony | November 20, 2020 | December 4, 2020 |
| APS Rejoinder Testimony | December 2, 2020 | December 22, 2020 |
| Public Comment | | January 11, 2021 |
| Hearing Commences | December 14, 2020 | January 14, 2021 |

Staff asserted that it had discussed the requested schedule change with 29 of the intervenors to this matter ("Joint Parties"), all of whom agreed with the Motion's revised schedule. Staff further stated that it and the Joint Parties recommend that the December 14, 2020, date be used for public comment and that other dates such as for discovery and hearing be adjusted. Per the Motion, Staff and the Joint Parties believe that the revised schedule will allow additional time to address issues that have been raised in the docket, which they assert is in the public interest.

On November 19, 2020, the Citizen Groups filed a Joinder in Staff's Motion to Amend Procedural Schedule. The Citizen Groups concur that the current December 14, 2020, date should be retained for public comment and request that the session be extended until 5:00 p.m. and that an evening session be added.

Although the usual time for responses has not yet passed, due to the pending testimony deadlines, the overwhelming support for the Motion, and the lack of objections, it is reasonable and appropriate to rule on the Motion at this time. The Motion is reasonable and should be granted. Consequently, the Commission's timeframe in this matter must be extended as well. Additionally,

1 consistent with the Motion, and in response to the Citizen Groups' request, the additional public
 2 comment session to be held on January 11, 2021, will be held in the evening. We do not believe,
 3 however, that holding the December 14, 2020, public comment session from 10:00 a.m. until 5:00 p.m.
 4 is reasonable. We note that in this docket, the Commission has already held two evening public
 5 comment sessions, two Saturday public comment sessions, and several daytime weekday public
 6 comment sessions.²

7 IT IS THEREFORE ORDERED that the **hearing** scheduled to commence on **December 14,**
 8 **2020**, at 10:00 a.m. shall proceed on that date for **telephonic public comment only**.

9 IT IS FURTHER ORDERED that the **pre-hearing conference** scheduled to be held on
 10 **December 10, 2020**, at 10:00 a.m. is hereby **vacated**.

11 IT IS FURTHER ORDERED that the following **hearing dates** are hereby vacated: **December**
 12 **15-18, 21, and 22, 2020**, and **January 5-8 and 11-13, 2021**.

13 IT IS FURTHER ORDERED that a **telephonic pre-hearing conference** in this matter shall be
 14 held on **January 7, 2020, at 10:00 a.m.**, at the Commission's offices in Phoenix, Arizona.

15 IT IS FURTHER ORDERED that on the date of and at least five minutes prior to the time set
 16 for the telephonic pre-hearing conference, each party shall call **1 (866) 705-2554**, and enter participant
 17 no. **241497#**, preferably using a landline, to participate in the pre-hearing conference.³

18 IT IS FURTHER ORDERED that the **hearing** in this matter shall commence **via**
 19 **videoconference**⁴ on **January 14, 2021, at 10:00 a.m.**, and shall continue, as necessary, at **9:00 a.m.**
 20 on **January 15, 19-22, and 25-29; on February 16-19, 22, and 24-26; and on March 1-5, 8-12, and**
 21 **17, 2021**.

22 IT IS FURTHER ORDERED that the deadlines for **filing pre-filed testimony and exhibits**
 23 established in the Procedural Order issued on July 31, 2020, are hereby **extended** as follows:

24
 25
 26 ² To date, telephonic public comment sessions have been held on July 17, July 27, July 28, September 1, September 25,
 27 September 30, October 24, and November 7, 2020. An additional telephonic public comment session is scheduled for
 November 30, 2020, and telephonic public comment was already to be accepted on December 14, 2020.

28 ³ Mobile telephones do not consistently provide adequate audio quality to permit the verbatim transcription of telephonic
 speech.

⁴ A Procedural Order will be issued to establish procedural requirements related to the remote hearing.

| | Current Date | New Date |
|--|-------------------|--------------------------|
| Staff and Intervenor Surrebuttal Testimony | November 20, 2020 | December 4, 2020 |
| APS Rejoinder Testimony | December 2, 2020 | December 22, 2020 |

IT IS FURTHER ORDERED that an additional telephonic public comment session shall be held on **January 11, 2021**, from **6:00 p.m. to 8:30 p.m.**

IT IS FURTHER ORDERED that members of the public may participate in the telephonic **public comment sessions on December 14, 2020, and January 11, 2021**, by calling **1 (866) 705-2554** and entering the code **241497#**.

IT IS FURTHER ORDERED that the **telephone line** for each telephonic public comment meeting shall be **opened no later than 30 minutes before** the start time for the meeting, to allow callers to get into the queue to speak.

IT IS FURTHER ORDERED that a **three-minute time limit shall be imposed for each speaker**, although that time may be extended by the presiding Administrative Law Judge ("ALJ") to clarify or obtain additional information from the speaker.

IT IS FURTHER ORDERED that members of the public are **encouraged to use landline telephones** to call into the telephonic public comment meetings, as mobile telephones do not consistently provide adequate audio quality to permit the verbatim transcription of telephonic speech.⁵

IT IS FURTHER ORDERED that **APS shall provide public notice of the additional public comment meetings in this matter**, in the following form and style, with the heading in no less than 12-point bold type and the body in no less 10-point regular type:

**ADDITIONAL PUBLIC COMMENT MEETINGS TO BE HELD ON
ARIZONA PUBLIC SERVICE COMPANY'S ("APS's") RATE APPLICATION
DOCKET NO. E-01345A-19-0236**

Summary

On October 31, 2019, APS filed a Rate Application with the Arizona Corporation Commission ("Commission"). An evidentiary hearing for the Rate Application is currently scheduled to commence on January 14, 2021.

The Commission is not bound by the proposals made by APS, the Commission's Utilities Division, or any Intervenor. The Commission will determine the appropriate

⁵ If a caller cannot be sufficiently understood to make an accurate transcription, the caller will be requested to file written comments in the docket.

relief to be granted in response to APS's application based on the evidence presented in this matter. **The final rates approved by the Commission may be higher, lower, or different than the rates proposed by APS or by other parties.**

How You Can View or Obtain a Copy of the Application

Copies of the application are available from APS [COMPANY INSERT HOW AND WHERE AVAILABLE]; at the Commission's Docket Control Center at 1200 West Washington Street, Phoenix, Arizona, and the Commission's office at 400 West Congress Street, Suite 218, Tucson, Arizona, during regular business hours; and on the Commission's website (www.azcc.gov) using the e-Docket function. During the COVID-19 pandemic, access to APS and Commission offices may be restricted.

All documents filed in this docket are available online (usually within 24 hours after docketing) at the Commission's website (www.azcc.gov) using the e-Docket function and Docket No. E-01345A-19-0236.

ADDITIONAL TELEPHONIC PUBLIC COMMENT MEETINGS

The Commission has scheduled the following additional **telephonic public comment meetings**:

| Date | Time |
|-----------------------------------|---|
| Monday, December 14 , 2020 | 10:00 a.m. to 12:30 p.m., or until the last caller is finished speaking, whichever comes first |
| Monday, January 11 , 2021 | 6:00 p.m. to 8:30 p.m., or until the last caller is finished speaking, whichever comes first |

To provide telephonic public comments, call **1-866-705-2554** and enter this code: **241497#**

The Commission will impose a **three-minute time limit per speaker**, to maximize the number of callers who have an opportunity to speak. That time limit may be extended by the presiding Administrative Law Judge.

There may be a significant wait time to speak, and callers will be muted until it is their turn to speak. However, once placed into the proceeding, callers will be able to hear the comments of other callers through the phone line. Callers should turn off their computer audio during the public comment meeting, as the **live stream on [azcc.gov](http://www.azcc.gov) is delayed by 28 seconds** and may cause feedback when it is the caller's turn to speak.

The Commission encourages callers to **use landline telephones** for the telephonic public comment meetings, as mobile telephones do not consistently provide adequate audio quality to permit the verbatim transcription of telephonic speech. If a caller cannot be sufficiently understood to make an accurate transcription, the caller will be requested to file written comments in the docket.

Each telephonic public comment meeting will end when the last caller on the telephone line has had an opportunity to speak or at the designated end time, whichever occurs first.

Written public comments may be submitted by mailing a letter referencing Docket No. E-01345A-19-0236 to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, AZ 85007, or by submitting comments on the Commission's website (www.azcc.gov) using "Cases and Open Meetings" and "Make

a Public Comment in a Docket.” For assistance, you may contact the Consumer Services Section at 602-542-4251 or 1-800-222-7000.

ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation, as well as request this document in an alternative format, by contacting the ADA Coordinator, Carolyn Buck, E-mail CDBuck@azcc.gov, voice phone number 602-542-3931. Requests should be made as early as possible, and at least 48 hours before the proceeding, to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that APS shall **mail or email** a copy of the above notice to each customer in each affected service area, as a bill insert beginning with the first available billing cycle or as a separate mailing or email, consistent with the method by which the customer receives bills,⁶ with mailing and emailing to be completed **no later than December 13, 2020**.

IT IS FURTHER ORDERED that APS shall **provide notice** of the additional public comment meetings through its **social media accounts**, with notice to be provided **at least five times**, including at least once the week of November 23, 2020; once the week of November 30, 2020; once the week of December 7, 2020; once the week of December 13, 2020; and once the week of January 4, 2021.

IT IS FURTHER ORDERED that APS shall cause a copy of the above notice to be **published at least once in newspaper/s** of general circulation to cover its entire service area, with publication to be completed **no later than December 14, 2020**.

IT IS FURTHER ORDERED that APS shall, **as soon as possible, but no later than December 7, 2020, post the above notice on its website in accordance with the following requirements:**

- The link to the public notice shall display as “**Notice of Additional Public Comment Meetings on Rate Case,**” in a font size of at least 12 pt.
- The link to the public notice shall be **prominently viewable on the main page** of the APS website (aps.com/en/residential/home) **without scrolling down on the page** (i.e., at the same level as or above the blue area in which the following links currently appear: “Pay your bill” “Start, stop or move service” “Report an outage” “COVID-19 resources”)

IT IS FURTHER ORDERED that APS shall file an **Affidavit of Mailing, Publication, and Posting no later than January 6, 2021, which shall include proof of compliance with each of the**

⁶ If a customer receives APS bills from the U.S. Postal Service, the notice shall be mailed to the customer with the customer’s bill or as a separate mailing. If a customer receives APS bills through email, the notice shall be sent to the customer by email, either within the emailed bill or as a separate email with the subject “Additional Public Comment Opportunities.”

1 **notice requirements herein.**

2 IT IS FURTHER ORDERED that **December 31, 2020**, is the **last date** on which a party may
3 serve a **discovery request**, unless the party to whom the discovery request is directed agrees to receive
4 it after that date, or the requesting party has filed a motion and received approval for the new discovery
5 request by order of the presiding Administrative Law Judge.

6 IT IS FURTHER ORDERED that **discovery** shall be as permitted by law and the rules and
7 regulations of the Commission, except that **until December 24, 2020**, any objection to discovery
8 requests shall be made within **12** calendar days of receipt,⁷ and responses to discovery requests shall
9 be made within **15** calendar days of receipt. Thereafter, objections to discovery requests shall be made
10 within **7** calendar days, and responses shall be made within **10** calendar days. The response time may
11 be extended by mutual agreement of the parties involved.

12 IT IS FURTHER ORDERED that the Commission's **timeframe** in this matter is hereby
13 **extended by 23 days.**

14 IT IS FURTHER ORDERED that all other provisions of the **Procedural Order** issued on **July**
15 **31, 2020**, shall remain **in full force and effect.**

16 IT IS FURTHER ORDERED that **all testimony filed shall include a table of contents** listing
17 the issues discussed therein.

18 IT IS FURTHER ORDERED that **all filings shall be made by 4:00 p.m.** on the date the filing
19 is due.

20 IT IS FURTHER ORDERED that any motion, other than a dispositive motion, that is filed in
21 this matter and that is not ruled upon within 20 calendar days of the filing date of the motion shall be
22 deemed denied.

23 IT IS FURTHER ORDERED that any response to a motion other than a dispositive motion
24 shall be filed within seven calendar days of the filing date of the motion.

25 IT IS FURTHER ORDERED that any response to a dispositive motion shall be filed within 10
26 calendar days of the filing date of the motion.

27 _____
28 ⁷ The date of receipt of discovery requests is not counted as a calendar day, and requests received after 4:00 p.m. Arizona time will be considered as received the next business day.

1 IT IS FURTHER ORDERED that any reply to a response shall be filed within five calendar
2 days of the filing date of the response.

3 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the**
4 **Commission's website** for information regarding **Global Consent to Email Service**⁸ **and how to**
5 **Follow the Docket**.⁹ Information regarding Global Consent to Email Service and how to Follow the
6 Docket is available on the Commission's website (www.azcc.gov) by clicking on "**Cases and Open**
7 **Meetings**" and then clicking on "**Globally Consent to Email Service**" or "**Follow a Docket or**
8 **Document Type**."

9 IT IS FURTHER ORDERED that **documents may be eFiled** in this docket and that instructions
10 and restrictions for eFiling are available on the Commission's website at [http://azcc.gov/hearing/efile-](http://azcc.gov/hearing/efile-for-utilities-instruction)
11 [for-utilities-instruction](http://azcc.gov/hearing/efile-for-utilities-instruction).

12 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
13 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

14 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
15 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
16 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings
17 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
18 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
19 Law Judge or the Commission.

20 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
21 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision
22 in this matter is final and non-appealable.

23 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
24 pursuant to Rule 6(a)(2) or (c) of the Arizona Rules of Civil Procedure.
25
26

27 ⁸ Global Consent to Email Service allows a party to consent to receive email service in all cases for which the party is
included on the service list, now or in the future.

28 ⁹ The "Follow a Docket" service allows any person to receive email notice, with a link to the filing, whenever something
is filed in the docket. The service can be used to follow one or many dockets.

1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
2 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.

4 DATED this 20th day of November, 2020.

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6 
7 SARAH N. HARPRING
8 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE
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On this 20th day of November, 2020, the foregoing document was filed with Docket Control as a Procedural Order – Reschedules a Hearing, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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